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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,427

03/23/2004

Hiroyuki Watanabe

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22852

7590

07/09/2008

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EXAMINER

RIYAMI, ABDULLA A

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,427	<b>Applicant(s)</b> WATANABE, HIROYUKI	
	<b>Examiner</b> ABDULLAH RIYAMI	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slovin (US 6144855) in view of Jansen (US 2005/0221846) further in view Chavez, Jr. et al. (US 5914668).

As per claim 1, Slovin discloses an information processing device performing a network connection via a wireless relay apparatus (see abstract), the device comprising: a finding unit configured to find the wireless relay apparatus (see figure 1, blocks 130 and 160, column 1, lines 59-67, and column 9, lines 45-60); a detector configured to detect identification information of the wireless relay apparatus found by the finding unit (see figure 1, column 1, lines 50-63 and column 5, lines 26-40); and a storing unit which stores specific characters representing identification information of the found wireless relay apparatus (see column 5, lines 30-42, access point table stored in memory and figure 1, block 60).

Slovin does not expressly disclose a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit.

Jansen discloses a counting unit configured to count a finding frequency of the wireless relay apparatus (see paragraph 17, search frequencies and its count values).

Slovin and Jansen are analogous art since they are from the same field of endeavor of wireless communications connections.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use Jansen's frequency counter device and technique (see paragraph 17 and figure 3) in Slovin's mobile station (see figure 1, block 10) for wireless connection configurations. The motivation to combine would have been to have a device, method and computer readable medium that selects an access point based on frequency usage indicating how frequently the corresponding frequency has been used, along with access points radio signal strength, quality of service and time stamps.

Slovin discloses an access point selector (figure 1, block 150) and Jansen discloses a mobile device with a display unit (see figures 1 and 2).

Slovin and Jansen do not expressly disclose a displaying unit configured to display a specific character of information which is characterized according to the identification information of the wireless relay apparatus in which a user can select.

Chavez, Jr. et al. discloses a displaying unit configured to display a specific character of information (see figure 5, column 4, line 56-column5, line 15).

Slovin, Jansen, and Chavez, Jr. are analogous art since they are from the same field of endeavor of wireless communications connection configurations.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use Chavez, Jr. et al.'s displaying unit device and technique in Slovin's mobile terminal (figure 2) and Jansen's mobile terminal (figure 2). The motivation to combine would have been to have a device, method and computer readable medium wherein a user selects an access point based on frequency usage indicating how frequently the corresponding frequency has been used, along with access points radio signal strength, quality of service and time stamps based on the information displayed on the display.

As per claim 3, Slovin discloses the storing unit stores the specific characters and corresponding identification information of the wireless relay apparatuses (see column 5, lines 30-42, access point table stored in memory and figure 1, block 60).

As per claim 4, Slovin discloses the storing unit stores peculiar icons or character message (see figure 1, table 60).

As per claim 5, Slovin discloses the displaying unit acquires service information or advertisement information for the wireless relay apparatus found by the finding unit and displays the acquired information (see beacon, column 9, lines 46-60).

As per claim 6, Slovin discloses judging a condition associated with the wireless relay apparatus found and displaying changes to the information based on the judged condition (see figure 1, see column 9, lines 46-60, periodic updates based on receiving beacons).

As per claim 7, Slovin discloses the displaying unit displays selectable information in accordance with the identification information characterized according to identification information on the found wireless relay apparatus, and sets connection

environment using the wireless relay apparatus found by the finding unit when the corresponding information is selected (see figure 1, table 60).

As per claim 8, Slovin discloses the acquiring unit (figure 1, block 130) configured to acquire a database associating each identification information of the wireless relay apparatuses which can be found by the finding unit the with information displayed by the displaying unit from an external apparatus which is connected with the network through the finding unit (see figure 1, frequency table memory).

As per claim 9, Slovin discloses a computer-readable medium for use on a network- connectable device through a wireless relay apparatus, the computer-readable medium having computer-executable instructions for performing a method comprising: finding the wireless relay apparatus (see figure 1, blocks 130 and 160, column 1, lines 59-67, and column 9, lines 45-60); detecting identification information of the found wireless relay apparatus (see figure 1, column 1, lines 50-63 and column 5, lines 26-40); and storing specific characters representing identification information of the found wireless relay apparatus (see column 5, lines 30-42, access point table stored in memory and figure 1, block 60).

Slovin does not expressly disclose a counting a finding frequency of the found wireless relay apparatus.

Jansen discloses a counting a finding frequency of the found wireless relay apparatus (see paragraph 17, search frequencies and its count values).

Slovin and Jansen are analogous art since they are from the same field of endeavor of wireless communications connections.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use Jansen's frequency counter device and technique (see paragraph 17 and figure 3) in Slovin's mobile station (see figure 1, block 10) for wireless connection configurations. The motivation to combine would have been to have a device, method and computer readable medium that selects an access point based on frequency usage indicating how frequently the corresponding frequency has been used, along with access points radio signal strength, quality of service and time stamps.

Slovin discloses an access point selector (figure 1, block 150) and Jansen discloses a mobile device with a display unit (see figures 1 and 2).

Slovin and Jansen do not expressly disclose a displaying a specific character of information which is characterized according to the identification information of the wireless relay apparatus in which a user can select.

Chavez, Jr. et al. discloses a displaying a specific character of information (see figure 5, column 4, line 56-column5, line 15).

Slovin, Jansen, and Chavez, Jr. are analogous art since they are from the same field of endeavor of wireless communications connection configurations.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use Chavez, Jr. et al.'s displaying unit device and technique in Slovin's mobile terminal (figure 2) and Jansen's mobile terminal (figure 2). The motivation to combine would have been to have a device, method and computer readable medium wherein a



user selects an access point based on frequency usage indicating how frequently the corresponding frequency has been used, along with access points radio signal strength, quality of service and time stamps based on the information displayed on the display.

As per claim 11, Slovin discloses the storing the specific characters and corresponding identification information of the wireless relay apparatuses (see column 5, lines 30-42, access point table stored in memory and figure 1, block 60).

As per claim 12, Slovin discloses displaying selectable information in accordance with the identification information characterized according to identification information on the found wireless relay apparatus, and sets connection environment using the wireless relay apparatus found by the finding unit when the corresponding information is selected (see figure 1, table 60).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH RIYAMI whose telephone number is (571)270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdullah Riyami/

Examiner, Art Unit 2616

/Huy D. Vu/

Supervisory Patent Examiner, Art Unit 2616